

The additional ten-percent charitable deduction is applicable to contributions made to an organization whose only function is to conduct classes for eight weeks each summer during which it maintains a regular faculty and curriculum with a regularly enrolled body of students.

Advice has been requested whether the organization described below is an educational organization of the type described in section 170(b)(1)(A)(ii) of the Internal Revenue Code of 1954 so that contributions to it are subject to the special limitation provision of section 170(b)(1)(A) of the Code.

The organization's only function is conducting a summer training school with a curriculum built around a core of theological studies analogous to that of a theological seminary. Classes are taught on a graduate level by college and seminary professors and the school is chartered by the State and empowered to grant Master of Arts degrees. The school has a regularly enrolled body of students and it meets for approximately eight weeks each summer, using the campus facilities of another school.

It does not hold classes during the remainder of the year. The course of study leading to the degree is made up of 30 semester hours of academic work consisting of eight semester hours each summer together with three hours of prescribed winter work each intervening winter. The degree is awarded to qualified students who successfully pass a comprehensive examination based on three summers of full-time resident study. Candidates for the degree must have received a Bachelor's degree in arts or science from an approved college or university.

The organization has previously been determined to be exempt from Federal income tax under section 501(c)(3) of the Code, and contributions made to it have previously been determined to be deductible by individual donors to the extent of the general limitation of 20 percent of adjusted gross income as provided by section 170(b)(1)(B) of the Code.

Section 170(a)(1) of the Code provides that there shall be allowed as a deduction any charitable contribution payment of which is made within the taxable year.

Section 170(b)(1)(A) of the Code provides for an additional deduction not to exceed 10 percent of an individual's adjusted gross income for contributions made to certain organizations, including an 'educational' organization described in section 170(b)(1)(A)(ii) of the Code.

Section 1.170-2(b)(3)(i) of the Income Tax Regulations provides that an 'educational organization' within the meaning of section 170(b)(1)(A) of the Code is one whose primary function is the presentation of formal instruction and which normally maintains a regular faculty and curriculum and normally has a

regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on.

Although the organization in the instant case conducts classes for only eight weeks each summer, it is, nevertheless, an educational organization within the meaning of section 170(b)(1)(A)(ii) of the Code since, during the eight weeks of operation, (1) its primary function is the presentation of formal instruction, (2) it normally maintains a regular faculty and curriculum, and (3) it normally has a regularly enrolled body of pupils and students in attendance at the place where its educational activities are regularly carried on.

Accordingly, the special limitation provision of section 170(b)(1)(A) of the Code, allowing an additional deduction not exceeding 10 percent of an individuals' adjusted gross income, is applicable to contributions made by individual donors to the instant organization.